REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. By virtue of the foregoing amendments, Claim 16 has been cancelled without prejudice or disclaimer of the subject matter contained therein. In addition, Claims 1, 18, 30, 34, 35, 36, and 39 have been amended and Claims 42 and 43 have been added. Accordingly, Claims 1, 2, 5, 9-11, 18, 19, 21, 24, 30, 31-43 are pending for examination in the present application.

No new matter has been presented by way of the claim amendments or additions and such amendments and additions are deemed unobjectionable. Entry thereof is respectfully requested.

Information Disclosure Statement

The Examiner's consideration of the information contained in the Information Disclosure Statement filed on October 31, 2003 is noted with appreciation.

Drawings

The indication that the drawings filed on October 31, 2003 have been accepted is also noted with appreciation.

Allowable Subject Matter

The Applicants acknowledge and appreciate the indication that Claims 16, and 34-36 would be allowable if rewritten in independent form. By virtue of the amendments above, all of the independent claims have been amended to include respective features of Claims 16, and 34-36. More particularly, Claims 1 and 16 have been amended to include all of the features of Claim 16. Claim 18 has been amended to include some of the features of Claim

34 and Claim 30 has been amended to include means for performing the features of Claim 16. All of the remaining dependent claims depend from respective ones of Claims 1, 18, 30, and 39. It is thus respectfully submitted that all of the claims of the present invention are now allowable over the cited prior art of record.

Accordingly, the Examiner is respectfully requested to issue an allowance of this application.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

> Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1, 2, 18, 24, 30, 31, and 39 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by the disclosure contained in U.S. Patent No. 6,557,624 to Stahl et al. This rejection is respectfully traversed because the claimed invention as set forth in Claims 1, 18, 30, and 39, and the claims that depend therefrom are patentably distinguishable over the disclosure contained in the Stahl et al. document.

As stated hereinabove, Claims 1, 18, 30, and 39 have been amended to include the features of allowable Claims 16, and 34-36. As such, the disclosure contained in Stahl et al. does not include all of the features of Claims 1, 18, 30, and 39. For at least this reason, it is respectfully submitted that Stahl et al. cannot anticipate Claims 1, 18, 30, and 39. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 1, 18, 30, and 39 as allegedly being anticipated by the disclosure contained in Stahl et al. and to allow Claims 1, 18, 30, and 39.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

The Official Action sets forth a rejection of Claims 5, 9-11, 19, 32, 33, 37, 38, 40 and 41 under 35 U.S.C. §103(a) as allegedly being unpatentable over the disclosure contained in Stahl et al. in view of U.S. Patent No. 6,283,380 to Nakanishi et al. This rejection is respectfully traversed because Stahl et al. considered singly or in combination with Nakanishi et al. fails to disclose all of the elements of Claims 5, 9-11, 19, 32, 33, 37, 38, 40 and 41.

As discussed hereinabove, the independent Claims 1, 18, 30, and 39 include features that are not disclosed in Stahl et al. In addition, the Official Action does not rely upon the disclosure contained in Nakanishi et al. to make up for these deficiencies in Stahl et al. Instead, the Official Action relies upon the Nakanishi et al. disclosure in an attempt to reject Claims 5, 9-11, 19, 32, 33, 37, 38, 40 and 41. Moreover, Nakanishi et al. does not appear to disclose the elements missing in Stahl et al.

At least by virtue of Nakanishi et al.'s failure to disclose the elements missing in Stahl et al., the proposed modification of Stahl et al. with the Nakanishi et al. disclosures would still fail to yield all of the elements of the present invention as set forth in Claims 5, 9-11, 19, 32, 33, 37, 38, 40 and 41. Therefore, even assuming for the sake of argument that the proposed modification of Stahl et al. as set forth in the Official Action were proper, the proposed modification would still not render obvious Claims 5, 9-11, 19, 32, 33, 37, 38, 40 and 41. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 5, 9-11, 19, 32, 33, 37, 38, 40 and 41.

Newly Added Claims

Claims 42 and 43 have been added to further define the invention. In addition, Claims 42 and 43 are allowable over the prior art of record for at least the reasons set forth hereinabove with respect to Claims 34 and 35.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

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Dated: August 4, 2004

By 

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